

# 16. ENFORCEMENT

*“It is our task to protect those resources for future generations—to hand down undiminished the natural wealth and beauty which are ours today.”<sup>28</sup>*

Many aspects of natural resources management require effective enforcement if they are to succeed. Harvest controls, protection of sensitive species, water pollution prevention, hunting and fishing recreation, nongame protection, and other activities are very dependent upon sound and consistent law enforcement.

## 16-1 Objectives

- ▶ Enforce laws and regulations pertaining to natural resources management on Fort Richardson
- ▶ Use enforcement personnel to enhance the overall natural resources program

## 16-2 Law Enforcement Authority

Enforcement of laws primarily aimed at protecting wildlife and other natural resources is an integral part of the installation’s natural resources management program. Game laws must be enforced in accordance with applicable state and federal laws and as approved by the Commander in this INRMP. Enforcement of natural resource laws and regulations will be in accordance with this plan and will be performed by Natural Resource Law Enforcement professionals and/or the Provost Marshal if practicable.

## 16-3 Jurisdiction

Fort Richardson is under two concurrent jurisdictions. Natural resources law enforcement on the post can be performed by officers with federal or state

commissions. Enforcement is a joint responsibility of USARAK, USFWS, and the Alaska Department of Public Safety (State Troopers). Citations written by USARAK personnel are adjudicated by the Federal Magistrate, whereas citations issued by Alaska State Troopers go through the state system for adjudication.

## 16-4 Enforcement Problem Areas

The success of hunting and fishing as well as other outdoor recreation programs is highly dependent on adequate enforcement. It has been said that a regulation or policy that cannot be enforced is worse than no policy at all. Even though regulations and policies regarding natural resources on Fort Richardson are enforceable, they are not problem free. Most of the problems seem to begin with illegal access to the post.

### 16-4a Trespassing

Trespass is the most frequent infraction occurring on military installations. Simply crossing the boundary without approval constitutes this action. Little of the post boundary is fenced or marked with signs. The post is slowly being fenced, project by project. Specific attention is focused on areas adjacent to subdivisions where trespass levels have been high. Signs have been used as markers, but most have been vandalized or stolen. In some cases, boulders have been used to block access, particularly in problem areas.

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<sup>28</sup>President John F. Kennedy, 1961

Much of the trespassing that occurs on Fort Richardson is intentional. Marking the boundary reduces accidental trespassing, but the effect on intentional trespass is minimal. Boundary marking can be effective only in concert with enforcement efforts associated with willful trespass. Fencing is better than boundary marking, but its effectiveness depends on intensive maintenance efforts. Fencing without a maintenance commitment is not cost effective. Since trespass is often the first step to more serious infractions, the overall reduction of illegal activities depends on a reduction in trespass.



*Trespass often fosters more serious infractions such as vandalism and theft.*

## 16-4b Off-Road Vehicle Activity

Trespass often is associated with Off-Road Vehicle (ORV) activity. With the exception of snowmobiling or four-wheeling on established trails and in areas designated for their use, non-military ORV activity is prohibited in most areas of the post.

Unauthorized ORV activity occurs to some degree along most of the post boundary, but is of particular concern in three major areas. The southwestern

boundary south of Glenn Highway is probably violated most often. This area is slowly being fenced as part of a project to secure the boundary from Glenn Highway to the base of the mountains. This fencing project was partially funded by Anchorage Water and Waste Water Utilities in exchange for a right-of-way for a 48-inch water main. The balance will be funded by USARAK. The other two major problem areas along the post boundary are immediately west of the town of Eagle River and, a little further north, west of the towns of Birchwood and Chugiak. All three areas are close to urban communities, and Fort Richardson is a convenient place for ORV activities with the risk of being apprehended relatively low.

ORV activity presents at least four potential problems for USARAK. The first is possible exposure to dangers associated with unexploded ordnance and ongoing shelling and firing. Generally, artillery and mortar firing are restricted to the ERF impact area, surrounded by a 300-meter buffer zone. This narrow buffer virtually ensures that unexploded ordnance is contained within impact area boundaries. Risk increases as people get closer to the actual impact area. The point can be made that ordnance is found outside the boundary, but this rationale does not reduce the significant increase in danger to trespassers within these boundaries. ORV trespass is particularly dangerous due to the places these vehicles can go and their weight, making them vulnerable to unexploded ordnance just beneath the surface.

The second problem associated with illegal ORV use is interference with ongoing military activities. The presence of unauthorized ORVs can disrupt military training to varying degrees depending upon the location and type of exercise being conducted. In some cases, it disrupts hundreds of troops in the field, and on small arms ranges, it can be just as dangerous as accessing an impact area. The illegal ORV operator has no idea if, when, or where these ranges are being used.

The third and most critical factor to natural resources management and protection is damage caused to soils and vegetation. This may seem insignificant compared to the more obvious damage done by military maneuvers, but effects are cumulative. ORVs of all kinds seem to make use of places that are rela-

tively unaffected by military vehicles. The damage they cause to wet, boggy areas and more rugged, steep terrain can be significant. These areas, particularly the subalpine and alpine areas, are very important to the overall ecology of Alaska.

Finally, unauthorized use of ORVs on Fort Richardson often leads to other illegal activities (including theft, vandalism, poaching and other fish and wildlife violations, etc.).

The control of ORVs has been a concern on Fort Richardson for many years. A study entitled *Management of Off Road Vehicle Use, Fort Richardson, Alaska* (U.S. Corps of Engineers, Alaska District, 1980) concluded, “*The key to an effective ORV management plan is controlled use and this will take continued effort on the part of all personnel responsible for enforcement.*”

## 16-4c Theft

Theft of military ordnance (both unexploded and debris) and other items is an important issue with the Federal Bureau of Investigation and other enforcement agencies. These agencies work with military installations where this is a serious problem. People who enter Fort Richardson and other installations to steal military ordnance and other items are called “scrappers”. This issue is not thought to be as serious at Fort Richardson as it is at some other installations in the nation.

A connection exists between theft and natural resource management. Besides the obvious direct damage caused to the ecosystem discussed in the ORV section above, an atmosphere is created in which protection of natural resources becomes very difficult as fences are torn down, markers and equipment stolen, etc. The most common item stolen from Fort Richardson is probably firewood.

## 16-4d Cultural Resources Vandalism and Theft

Fort Richardson has a few cultural resources of moderate historic value. Primary among these are homesteader cabins that are easily located and relatively open to irreparable damage and theft.

Cultural artifacts have value both for personal enjoyment and commercial sale. Protection of cultural

resources is directly related to the control of trespassers. When cultural resources are discovered, it is often important to place the general area off-limits to military training and public recreational use. Care should be taken to control accessibility of marked maps as cultural resources can be easily targeted for theft.

The Nike Hercules Missile Battery at Site Summit was officially nominated and listed on the National Register of Historic Places by the National Park Service, Washington D.C. on July 11, 1996. Vandalism in the buildings on Site Summit has been a problem since 1979 when security patrols were abandoned. Access to Arctic Valley is via Ski Bowl Road, an all weather road that is within an hour’s drive of Anchorage. From the parking lot at Alpen Glo Ski Lodge, visitors can hike up the mountain to the Battery Command and Control Area and the Nike Missile Launching Pads in less than an hour. Over the years, individuals have torn off plywood covering doors and windows to gain entry. The Military Police seldom patrol the area. It will become necessary to provide better security for the missile site in the future and to increase Military Police patrols in the area. Gates on the fences around the missile launching pads should be kept closed and locked.

## 16-5 Current Enforcement System

Military Police (MP) at Fort Richardson emphasize enforcement in the cantonment area. Currently, there are six authorized Military Game Wardens at Fort Richardson. Much of their time is spent patrolling the post, but they are also tasked with operation of the Fort Richardson wildlife museum. Wardens also are responsible for issuing hunting and fishing permits, ORV passes, dogmusher permits, and providing safety orientation briefings.

Game wardens generally work in two-person teams. They work fluctuating hours with four days on and three days off. They are equipped with four all-terrain vehicles, four snow machines, and a four-wheel drive truck for patrol.

Each year, game wardens make approximately 200 contacts with users in the field, most of whom are anglers. About thirty 1805 violation (external laws) notices are issued each year for violations of license requirements and bag limits. About ten 1408 viola-





*Military Game Wardens assist natural resources personnel in a variety of wildlife and natural resource matters.*

tion (post regulations) notices are issued per year for infringements of post regulations. Trespassers generally have to be caught three times before an 1805 is written and the violator is sent to the federal magistrate in Anchorage.

Training for game wardens at Fort Richardson is provided by the USFWS and the Alaska State Troopers. In 1995, game wardens from Fort Richardson attended a three-day, Title 16 training session in Anchorage. A few MP Wardens have also attended the annual law enforcement refresher course conducted by the National Military Fish and Wildlife Association (Section 16-7).

As with all military personnel, MPs, generally are short-term residents being transferred from one installation to another. Therefore, personnel involved with natural resources enforcement change on a regular basis, creating a constant need for training.

## 16-6 1998–2003 Natural Resources Enforcement

1998–2003 will be a period of development of an enforcement program that is more responsive to the protection of natural and cultural resources at Fort Richardson. The options listed below offer a means of improving natural resource enforcement:

- ▶ Provide training to Military Police Game Warden personnel and put more emphasis on the enforcement mission for this organization

- ▶ Provide training to personnel within Natural Resources Branch and give them an enforcement mission
- ▶ Hire permanent civilian enforcement personnel and provide proper training to these personnel
- ▶ Use outside agency enforcement personnel and train them to operate at Fort Richardson

Each of these options has both advantages and disadvantages. Some factors that will be considered in the decision process are listed below:

- ▶ Permanence of personnel—there are huge advantages in permanent personnel, mostly in the way of training, experience, and continuity.
- ▶ Specialized law enforcement training requires at least 11 weeks, and the size of this post, alone, mandates at least a year's of on-the-job training before even approaching efficient, effective enforcement. Full performance may require two or more years, especially if enforcement duties are part-time.
- ▶ Training—most installations are using the Federal Law Enforcement Training Center (FLETC) for basic training at the urging of DOD. This course requires nine weeks, and a follow-up two week course by the USFWS is also appropriate. FLETC policy does not allow training of enlisted military personnel. Annual refresher training has many options, none of which have similar restrictions.
- ▶ Availability—officers should be available for responses on a 24-hour per day basis as much as possible. Considerable weekend and after-hour duty are required.
- ▶ Military Experience—experience dealing with military personnel and understanding the nature of military installations is helpful, but not necessary as it can be quickly learned on the job.
- ▶ Attitudes—effective enforcement officers have professional attitudes toward the position. They recognize its seriousness and are prepared to train and work in a dedicated manner toward mission accomplishment. They generally understand the importance of natural resource laws

and their enforcement. They are prepared to use force if required.

- Education - Virtually all entry-level natural resources officers today are required to have a four-year degree in a natural resources related field. It is widely recognized that police science is not enough by itself. It is easier to teach police skills to natural resources personnel than to teach natural resources skills to police personnel.

At present, the option of choice is the hiring of professional natural resources enforcement personnel within the USARAK Natural Resources Branch and training them at FLETC to enforce federal, state, and installation laws and regulations. This option will be pursued if the opportunity for funding becomes available.

In the past, USARAK experimented with training natural resources management personnel to double as environmental and natural resources enforcement officers. Two natural resources personnel at Fort Richardson obtained the required training for enforcement officers (with the exception of weapons training). Following this training, the natural resources personnel recognized that they could not adequately perform both duties concurrently. It was concluded that enforcement is a full time job. The two personnel trained for enforcement assignments went back to full time work as natural resources managers.

The Wildlife Enforcement Section of USARAK Law Enforcement Command is administratively supervised by the Provost Marshal. This section will coordinate closely with and receive technical direction from USARAK Chief of Natural Resources in accordance with Army Regulation 200-3.

In the past, relationships and coordination between USARAK Natural Resources and LEC Wildlife Protection Section (Military Game Wardens) have fluctuated between excellent to almost nonexistent, depending upon the Section's NCOIC. To ensure that a solid working relationship is forged between the two offices, a Wildlife/Natural Resources Enforcement Action Plan will be jointly developed by Natural Resources Branch and the Fort Richardson Provost Marshal. This action plan will outline re-

sponsibilities, duties, regulations, procedures and provisions for carrying out wildlife and natural resources enforcement. Protocols will be developed to address communication, meetings, after-action reports, chain-of-command, etc. This action plan will be added to this INRMP at Appendix 1.

## 16-7 Training

Basic training for natural resources enforcement officers should be provided by a recognized law enforcement training center. FLETC is probably the best option, because the courses provided there are used by virtually every federal agency, except the Federal Bureau of Investigation. The USFWS two week follow-up course at FLETC would complete the academic requirements for basic training for new officers. Other possibilities include the State of Alaska's training program or other police science education courses offered by universities and other educational institutions. New officers should spend a great deal of time with experienced officers for additional on-the-job training. This will be difficult to achieve at Fort Richardson until a program has been implemented for some time.

There is a generally recognized requirement for a 40-hour-minimum annual refresher training for enforcement officers. Less training than this opens the employer to liability risks in the event of legally debatable officer actions. The National Military Fish and Wildlife Association offers annual training for experienced officers. This one-week training uses highly qualified instructors, many of whom have national reputations. The course is open to all of the DOD and is held on various military installations. This is the most commonly used course by military installations for refresher training. Officers must qualify with assigned weapons regularly. This could be accomplished on Fort Richardson or in conjunction with local police forces.

All law enforcement officers must be fully trained and prepared to deal with any situation that may arise. Nationwide, conservation officer fatality rates are high. USARAK will ensure that any natural resource law enforcement personnel it hires or commissions will receive the appropriate level of training needed to do an efficient and safe job.